

## **LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT**

**P.A.S.: SPECIAL PERMIT NO. 1912**

**DATE: April 23, 2001**

### **BUGGY BATH WEST CONVENIENCE STORE** **OFF- SALE LIQUOR SALE**

**PROPOSAL:** Karen S. TeSelle on behalf of Michael D. Raasch, is requesting a special permit for the sale of alcoholic beverages for consumption off the premises of Buggy Bath West Convenience Store located at 1502 West "O" Street.

### **GENERAL INFORMATION:**

**APPLICANT:** Michael D. Raasch  
1645 N Street, Suite E  
Lincoln, Ne 68508  
(402)438-4040

**PROPERTY OWNER:** Same

**CONTACT:** Karen S. TeSelle  
1502 West O Street  
Lincoln, Ne 68508  
(402)489-1222

**LOCATION:** 1502 West "O" Street, generally located on the northwest corner of 15<sup>th</sup> and west "O" Streets.

**LEGAL DESCRIPTION:** Lot 5, except the south 27' thereof, and all Lot 4, Block 13, Woods Bros. Lakeview Acres.

**Size:** Area of Lot: 12,500 square feet, more or less  
Area of Building: 3,879 square feet, more or less

**EXISTING ZONING:** H-3 Highway Commercial District

**EXISTING LAND USE:** Car wash and convenience store, under construction.

**SURROUNDING LAND USE AND ZONING:** To the north is 201 feet of H-3 Highway Commercial which is vacant and R-2 Residential with single-family dwellings. To the west, east and south is H-3 Highway Commercial with permitted H-3 uses.

**COMPREHENSIVE PLAN SPECIFICATIONS:** This project is in conformance with the Comprehensive Plan, which shows the area as Commercial.

**HISTORY:** Zoned H-2 Highway Commercial until the zoning update in 1979. In 1979 the zone of the property was updated to H-3 Highway Commercial.

**ANALYSIS:**

Specific building and site plan requirements have been reviewed by Building and Safety and building permit # B9903725 was issued. Liquor permit requirements are as follows:

1. Under Section **27.63.685** of the Lincoln Municipal Code, alcoholic beverages may be sold for consumption off the premises in the H-3 zone.
2. Parking is in accordance with Sections **27.67.020** and **27.63.685(a)** of the Lincoln Municipal Code, which requires 1 parking stall per 200 square feet of gross floor area. 20 parking stalls are required on site for this 1,925 square-foot structure. A total of 20 stalls are currently provided on this property.
3. Section **27.63.685(c)** of Lincoln Municipal Code states:

**The licensed premises of any building approved for such activity must be located no closer than 100 feet from a day care facility, a residential district or residential use, or, if a lesser distance, must mitigate any adverse effects of the reduction in distance through landscaping, screening, or other methods approved by the Planning Director.**

The proposed premises meets the requirements of the prescribed distance to the boundaries of residential district to the north.

4. Section **27.63.685(f)** of Lincoln Municipal Code states:

**The use shall not have any amplified outside sound or noise source, including bells, buzzers, pagers, microphones, or speakers within 150 feet of any residential district. This shall not apply to sound sources audible only to the individual to whom they are directed, such as personal pagers, beepers or telephones.**

The proposed premises meet the requirements of the prescribed distance to the boundaries of the residential district to the north.

5. Section **27.63.685(g)** of Lincoln Municipal Code states:

**No access door to the business, including loading or unloading doors, shall face any residential district if such doors are within 150 feet of the residential district. This shall not apply to emergency exit doors required by building or safety codes. No door facing a residential district shall be kept open during the operation of the establishment.**

Access doors are located on both the east, north and south sides of the restaurant. All access doors meet the requirements of the prescribed distance to the residential dwellings.

6. The primary access for this site is NW 15<sup>th</sup> street. NW 15<sup>th</sup> Street is classified as a local street in the Comprehensive Plan.
7. All other regulatory requirements for liquor sale shall apply, including licensing by the State.
8. The City Council may consider any of the following as cause to revoke the special permit approved under these regulations:
- (1) Revocation or cancellation of the liquor license for the specially permitted premises; or
  - (2) Repeated violations related to the operation of the permittee's business; or
  - (3) Repeated or continuing failure to take reasonable steps to prevent unreasonable disturbances and anti-social behavior on the premises related to the drunkenness, vandalism, solicitation, or litter.

Planning Commission review and City Council approval is required for this use; provided, however, that no special permit or amendment thereto shall be required for interior expansions of existing licensed liquor premises.

8. The Lincoln Police Department has no objections with the plans.

9. The Public Works and Utilities Department has no objections.

**STAFF RECOMMENDATION:**

Conditional approval

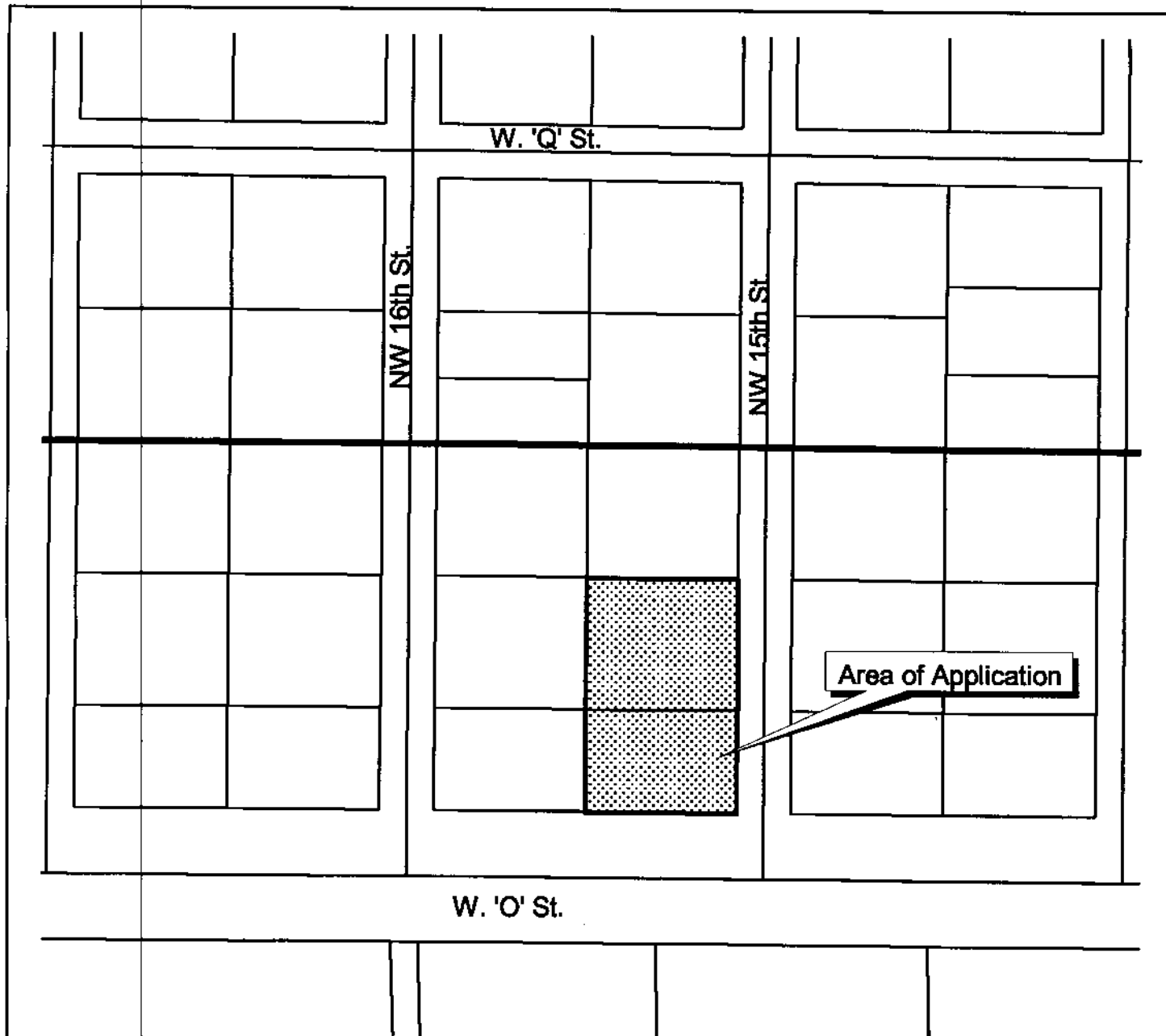
**CONDITIONS:**

1. This approval permits the sale of alcohol for consumption off the premises in the establishment located at 1502 West "O" Street.
2. The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, location of buildings, location of parking and circulation elements, and similar matters.
3. The terms, conditions, and requirements of this resolution bind and obligate the permittee, its successors and assigns.
4. The City Clerk shall file a copy of the resolution approving the permit and the letter of acceptance with the Register of Deeds. The Permittee shall pay the recording fee in advance.

Prepared by:

\_\_\_\_\_  
Becky Horner  
Planner

I:\pc\permits\sp1912.rdh.wpd



## Special Permit #1912 1502 W. 'O' St.

### Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

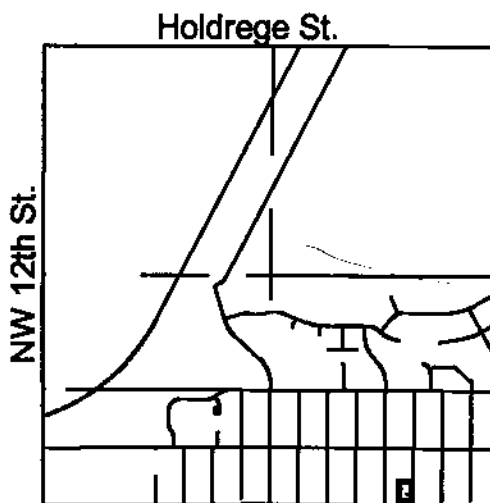
One Square Mile  
Sec. 21 T10N R6E



Zoning Jurisdiction Lines



City Limit Jurisdiction

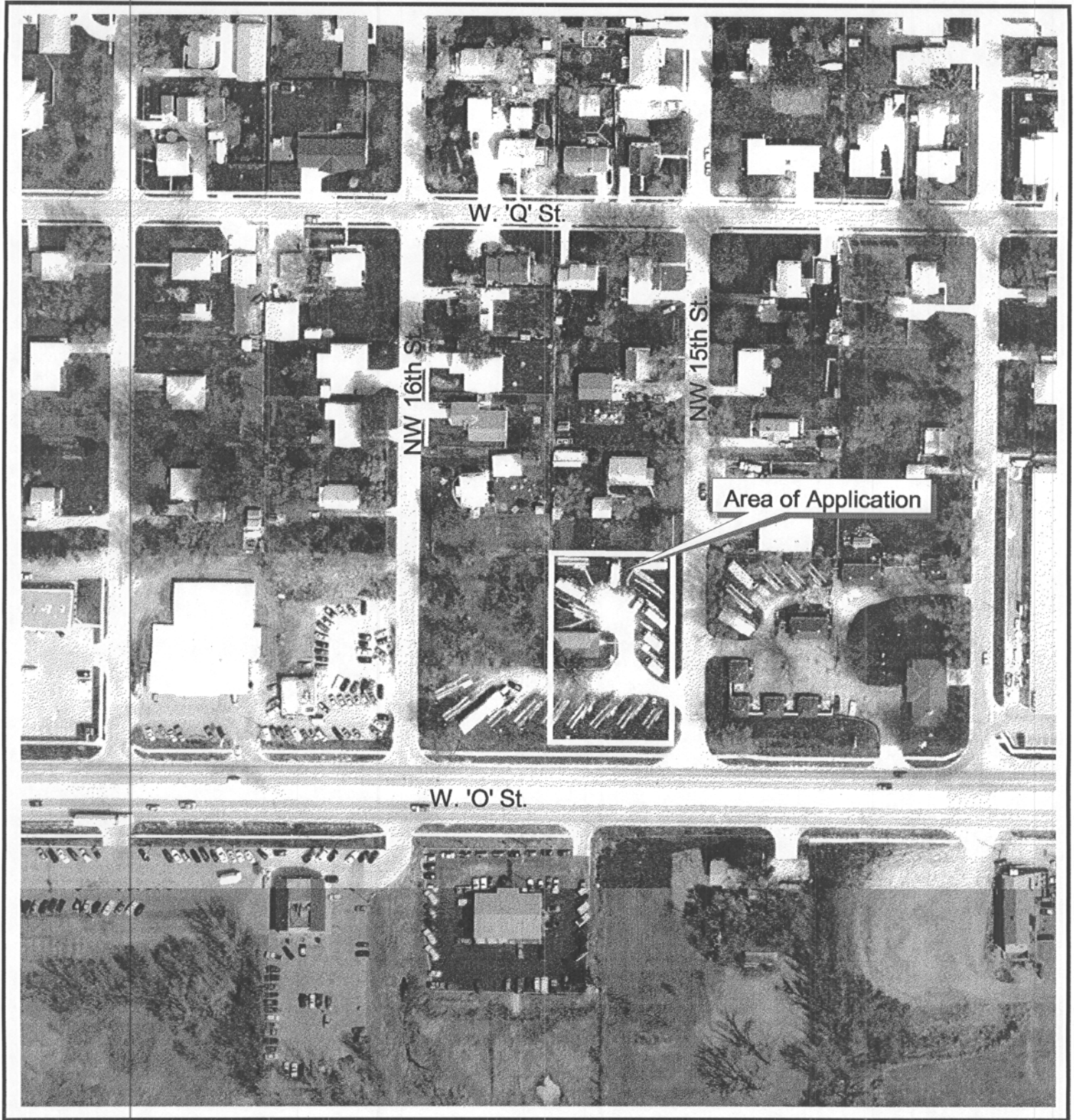


'O' St.

Sheet 1 of 2

Date: 4.19.01

Lincoln City - Lancaster County Planning Dept.



**Special Permit #1912**  
**1502 W. 'O' St.**

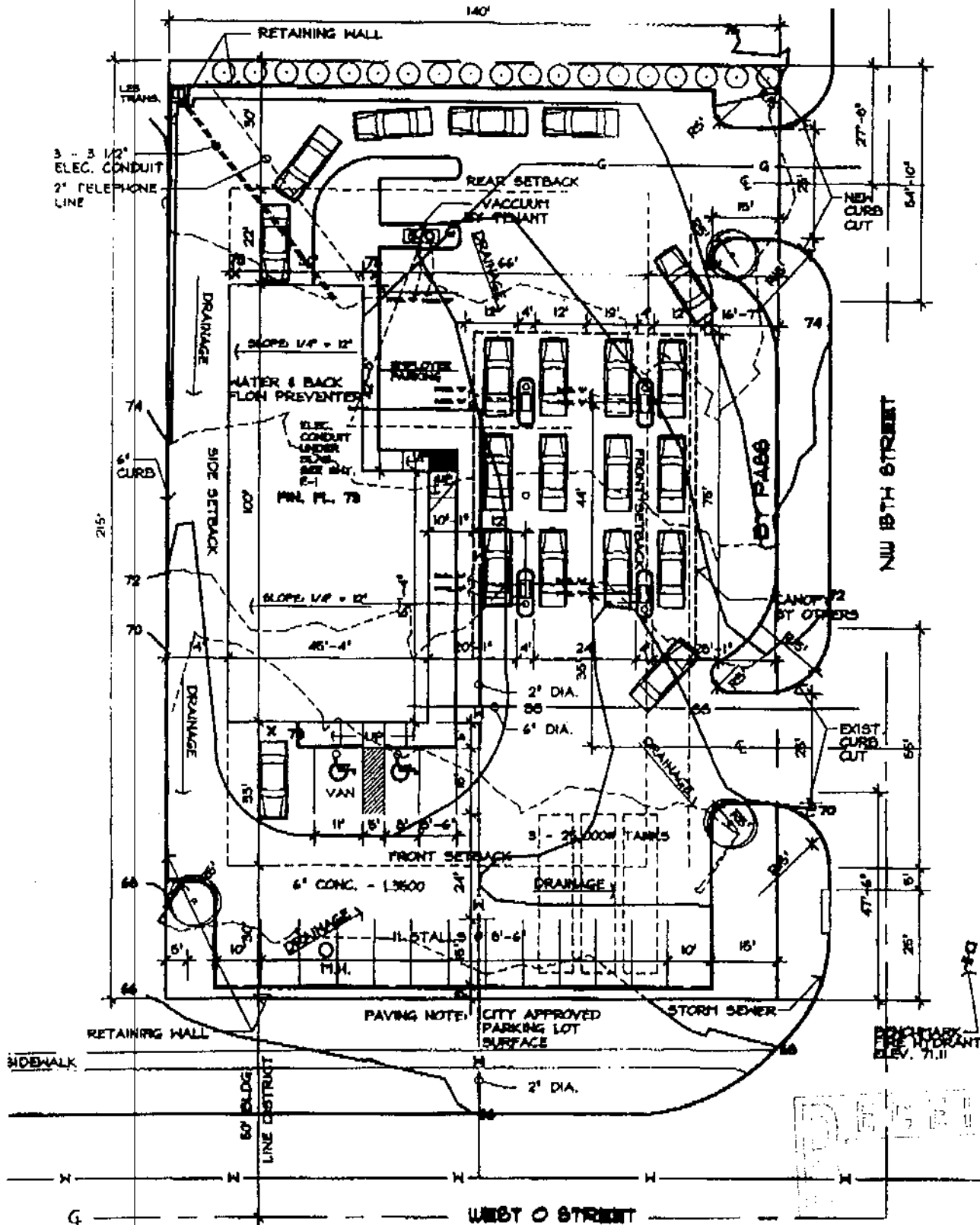


Sheet 2 of 2

Date: 4-19-01

Photograph Date: 1997

Lincoln City - Lancaster County Planning Dept.



# SITE PLAN

SCALE: 1" = 20'

NOTE: CAR WASH IS CONTROLLED BY AN AUTOMATIC CONVEYOR OPERATED SYSTEM.

OVERHEAD DOOR TO REMAIN OPEN DURING OPERATING HOURS.

STORE SQ. FT. = 1,420  
MECH. SQ. FT. = 557  
WASH SQ. FT. = 1,925

PARKING: 1/200  
20 PARKING STALLS  
ZONE: H-3

THERE IS TO BE NO PARKING LOT LIGHTING.

--- EXISTING CONTOURS  
— NEW CONTOURS

*Hutchinson Design*  
P.C.

HUTCHINSON DESIGN, P.C.  
895 SOUTH 8TH STREET, SUITE C-2  
LINCOLN, NEBRASKA 68510

Replacing License Number (if applicable)

No

Are the proposed licensed premises inside the  
City Limits of the Town or City? Yes

Y=Yes N=No

Do you own the building and real estate for  
which a license is sought? If owned, submit a  
copy of deed or sales contract demonstrating  
ownership. Y=Yes N=No Yes

If you lease the building or real estate, when does the lease expire?

N/A

Month/Day/Year

**SUBMIT A SIGNED COPY OF  
YOUR LEASE EXTENDING  
THROUGH LICENSE YEAR**

Are you filing a temporary agency agreement, whereby current  
licensee allows you to operate on their license? No

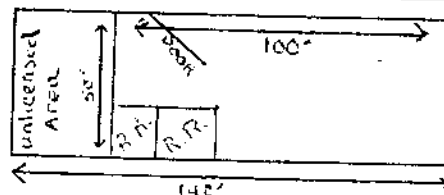
Y=Yes N=No

If yes, attach copy

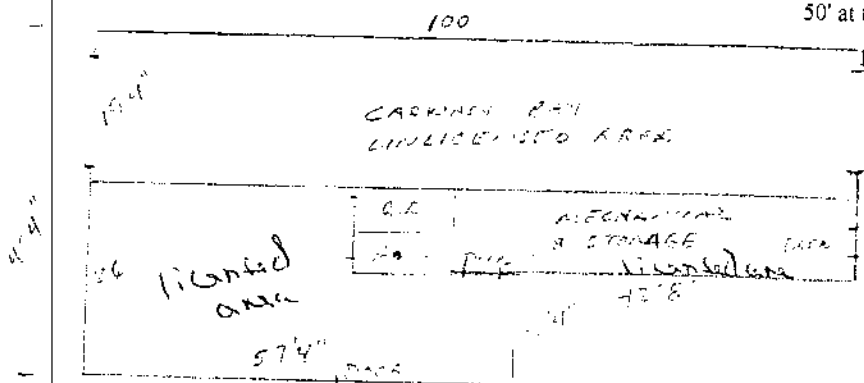
**DESCRIPTION AND DIAGRAM OF THE STRUCTURE TO BE LICENSED**

In the Space Provided draw the area to be licensed. This should include  
storage areas, basement, sales areas and areas of consumption. If only  
a portion of the building is to be covered by the license, you must still  
include dimensions (length x width) of the entire building, as well as the  
licensed area. No blue prints will be accepted. Be sure to indicate the  
direction North and number of stories in the building.

N 1



EXAMPLE: East portion Approx. 50' x 100'  
of main floor of 3 story building plus basement approx. 30' x  
50' at the East end.



**LEGAL DESCRIPTION OF PREMISES TO BE LICENSED**

Woods Brothers Lakeview Acres, Lot 4 & Lot 5, Except South 27', Block 13,  
Lincoln, Lancaster County, Nebraska

**INFORMATION REQUIRED**

**READ CAREFULLY-ANSWER FULLY AND ACCURATELY**

Has anyone who is a party to this application, or their spouse, ever been convicted of,  
or pled guilty to any criminal charge? Criminal charge means any charge alleging a  
violation of a Federal, State or local law or ordinance. List the nature of the charge,  
where the charge occurred and the year and month of the conviction or guilty plea.  
Also list any charges pending at the time of this application.

YES

NO

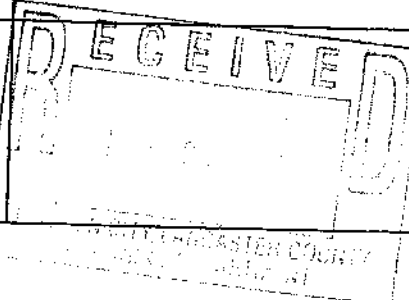
Explanation/Comments

X

X

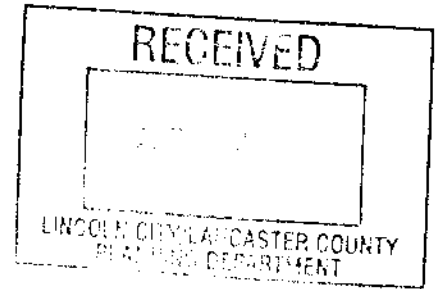
Are you buying or leasing the business of a present licensee?

If buying, give the name of the licensee selling to you and submit a signed copy of  
the sales agreement listing furniture, fixtures, and their assigned values. If  
leasing, include a signed copy of the lease





# Memorandum



**To:** Ray Hill, Planning Department  
**From:** Gary Lacy, Public Works and Utilities *GLL*  
**Subject:** Buggy Bath West Convenience Store, Alcohol Sales Special Permit *1912*  
**Date:** April 4th, 2001  
**cc:** Roger Figard, Nicole Fleck-Tooze

The City Engineer's Office of the Department of Public Works and Utilities has reviewed the Alcohol Sales Special Permit for Buggy Bath West Convenience Store. Public Works has no objections to this request.



Ray F Hill

04/10/01 12:58 PM

To: Rebecca D Horner/Notes@Notes

cc:

Subject:

----- Forwarded by Ray F Hill/Notes on 04/10/01 01:03 PM -----



"M.Woolman"

<lpd737@CJIS.CI.LIN

COLN.NE.US>

04/09/01 09:54 AM

To: RHill@ci.lincoln.ne.us

cc:

Subject:

Ray,

The Lincoln Police Department has no objections to the Buggy Bath West Convenience Store Alcohol Sales Permit.

Michael S. Woolman  
Planning Sergeant  
Lincoln Police Department